



11/15

DAC  
Bot. Sec. WD

Attorney Docket No.: A-64558-1/RET/RMS/RMK

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

FEB 22 2001

TECH CENTER 1600/2900

In re application of:

Examiner: S. Houtteman

KAYYEM et al.

Group: 1655

Serial No.: 08/873,597

Filed: June 12, 1997

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on December 28, 2000

Signed: Gail Clark

Gail Clark

PETITION UNDER 37 C.F.R. 1.181(a) TO WITHDRAW A HOLDING OF ABANDONMENT

Commissioner of Patents and Trademarks  
Washington, DC 20231

RECEIVED

JAN 09 2001

OFFICE OF PETITIONS

Sir:

Petitioner hereby requests that the holding of abandonment in the above-identified case be withdrawn, as outlined in M.P.E.P. §711.03(c) and C.F.R. 1.181. A copy of the Notice of Abandonment mailed on December 18, 2000 is enclosed, which states that the abandonment was due to a failure to respond to the Official Action dated March 16, 2000. However, applicants submit that a timely response was made, and therefore the abandonment was in error.

In support of this position, submitted herewith is:

- a) A copy of the amendment, filed September 18, 2000, with a certificate of mailing dated September 18, 2000;

b) A copy of the Petition for a three-month Extension of Time with authorization to charge Deposit Account No. 06-1300 for fees due, and a certificate of mailing dated September 18, 2000;

c) A copy of the Sequence Listing, including a hard copy and disk; and ,

d) a copy of the postcard received by the Patent and Trademark Office showing receipt of the above on September 25, 2000.

Accordingly, the applicants maintain that the application would not have been abandoned and a withdrawal of a holding of abandonment is requested. Applicants maintain that as of the date of the withdrawal, prosecution of the application should be reinstated and an official communication in response to the amendment filed on September 18, 2000, be forthcoming.

The Commissioner is authorized to charge any additional fees which may be required, including extension fees or other relief which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-64558-1/RFT/ RMS /RMK).

Dated: 12/28/00

Respectfully submitted,

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP

By: Robin M. Silva  
Robin M. Silva  
Reg. No. 38,304

Four Embarcadero Center - Suite 3400  
San Francisco, California 94111-4187  
Telephone: (415) 781-1989  
Facsimile: (415) 398-3249  
1039189.RMK



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

007970100 00712/87 00-11-87

00-11-87 00-11-87

EXAMINER
----------

00-11-87

ART UNIT	PAPER NUMBER
----------	--------------

00-11-87

DATE MAILED:

00-11-87

00-11-87  
FEDERAL BUREAU OF INVESTIGATION \* ALBERT  
FEDERAL BUREAU OF INVESTIGATION \* ALBERT  
FEDERAL BUREAU OF INVESTIGATION \* ALBERT  
FEDERAL BUREAU OF INVESTIGATION \* ALBERT  
FEDERAL BUREAU OF INVESTIGATION \* ALBERT

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

DEAFCE-1994

SERIAL NUMBER.	FILED DATE	12/12/95	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

ROBIN W SILVER  
FLEHR HONBACH TEST ALBRITTON & HERBERT  
FOUR EMBARCADERO CENTER  
SUITE 3400  
SAN FRANCISCO CA 94111-4187

HM11/0301

EXAMINER	
ROBERT M. S.	
ART UNIT	PAPER NUMBER
	1856

DATE MAILED:

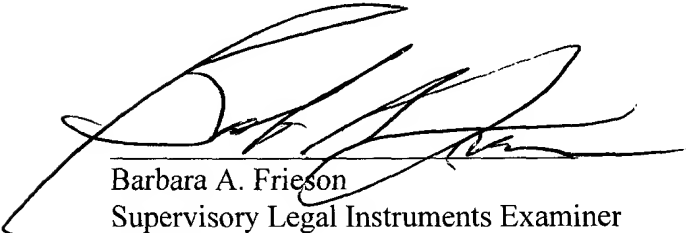
03/01/01

**Please find below a communication from the EXAMINER in charge of this application**  
Commissioner of Patents

The Notice of Abandonment mailed 12/18/00 has been withdrawn.

The copy or original response filed 9/25/00 has been made of record in the file.

The application has been returned to pending status and forwarded to the examiner for consideration.

  
Barbara A. Frieson  
Supervisory Legal Instruments Examiner  
Team I



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
--------------------	-------------	-----------------------	---------------------

EXAMINER
----------

ART UNIT	PAPER NUMBER
----------	--------------

22

DATE MAILED:

**RECEIVED**

JAN 09 2001

**NOTICE OF ABANDONMENT**

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper response to the Office letter mailed on 3-16-00 **OFFICE OF PETITIONS**
- ☐ A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)

- ☒ No response has been received.
- ☐ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.
- ☐ The submitted issue fee of \$ \_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_.
- ☐ The issue fee has not been received.
- ☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_. File A-64558-1 Atty RET/RMS
- ☐ The proposed new formal drawings filed \_\_\_\_\_ are not acceptable. Due Date \_\_\_\_\_ Type \_\_\_\_\_ Refs \_\_\_\_\_
- ☐ No proposed new formal drawings have been received.
- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

*Scott W. Houtteman*

**SCOTT W. HOUTTEMAN  
PRIMARY EXAMINER**

RECEIVED

FEB 22 2001

TECH CENTER 1600/2900



FLEHR HOHEACH TEST

ALBRITTON & HERBERT LLP

File No. A-645<sup>5</sup>88-1/RFT/RMS/RMK

Applicant: KAYYEM et al.

Serial No.: 08/873,597

For: Alternating Current Methods for Detection of Nucleic Acids

Please acknowledge receipt of the enclosed

- ✓ 1. Amendment in Response to 03/16/00 OA
- ✓ 2. Petition for Extension of Time (3 Mo)
- ✓ 3. Check in the amount of \$870.00
- ✓ 4. Certificate of Mailing

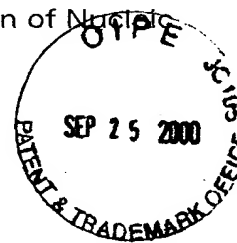
✓ 5. Sequence Listing-  
Paper Copy & Disk

by imprinting the Patent Office "date stamp" hereon and returning to the addressee indicated on the reverse.

Due: 09/16/00 (Saturday) w/3-mo extn of time

Certificate of mailing: 09/18/00

*Rmk*



RECEIVED

JAN 09 2001

OFFICE OF PETITIONS